

## **EDGEFIELD COUNTY COUNCIL**

### **Minutes April 5, 2005**

The Edgefield County Council held its regular monthly meeting at 6:00 P. M. Tuesday, April 5, 2005, in the County Council Chambers, 225 Jeter Street, Edgefield.

#### **Members present**

C. Monroe Kneece, Chairman  
Willie C. Bright, Vice Chairman  
Norman Dorn, Councilman  
Joel D. Hudson, Councilman  
B. Everette Kitchens, Councilman

#### **Others present**

Wayne Adams, County Administrator  
John F. Byrd, Jr., County Attorney  
Margaret Harling, Finance Director  
Barbara R. Stark, Clerk to Council

Chairman Kneece called the meeting to order and the invocation was given by Councilman Hudson. After the invocation, the Pledge of Allegiance was recited.

#### **Minutes**

Motion was made by Councilman Kitchens, seconded by Councilman Hudson, to approve the March 1, 2005, Edgefield County Council Minutes as presented. Motion carried unanimously.

#### **Reports**

The reports were reviewed by Council without any comment.

#### **Ordinances**

Councilman Bright made the motion to approve first reading of Ordinance No. 04-05-560, "An Ordinance Providing for the FY 2005-06 Edgefield County General Operating Budget." Councilman Kitchens seconded the motion and the motion carried unanimously.

First reading of Ordinance No. 04-05-557, "An Ordinance Enacted Jointly by the County of Edgefield and Certain Incorporated Municipalities within Edgefield County to Affirm their Continued Commitment to a Centralized Countywide Recreation Program, and to Establish Terms, Conditions, Procedures, and Other Provisions Pertaining to the Program's Operation" was approved by a motion made by Councilman Kitchens, seconded by Councilman Bright. Motion carried unanimously.

Prior to a motion being made to approve first reading of Ordinance No. 04-05-558, "An Ordinance to Establish a Fifteen-Dollar Per Vehicle Road Maintenance Fee on All Moto-

## **EDGEFIELD COUNTY COUNCIL**

### **Minutes**

**April 5, 2005**

alized Vehicles Registered in Edgefield County, to Provide for the Collection and Expenditure of Revenue from Said Fee, and for Other Matters Relating Thereto,” Councilman Dorn asked to speak.

“My concern is that last year we had a \$10.00 fee. Now it is up to \$15.00. Using the numbers, I don’t know exactly the population of Edgefield County (around 25,000, 26,000), the number that will contribute to that fund is only 18,000 people. That means we have about 8,000 people that will not pay any money at all and using the same services. I want the county to consider maybe not eradicating the \$15.00 fee, but I want the record to show, so when I go out campaigning, I will have the right number to tell the folks what I am talking about – I would like for the secretary to record that we take \$100,000 out of miscellaneous and apply that as a reduction to the \$15.00. Secondly, if we are over the ninety day reserve and whatever is left over, apply that to the fee as well. Last, but not least, I don’t know anything about trucks but I know that \$100,000 is a lot of money. I think we should look around and maybe see if a truck of that magnitude has been repossessed. We could again save some on the road maintenance fee. Before ninety days get here, I think when they finalized this budget I am going to find something else too. Example, I am concerned about the school. They have some teachers who have children at school who drive everyday to school – USCA campus or wherever. Gas is going to be \$3.00 a gallon by July and to impose another \$15.00 on four or five people who have cars and let those go by who use the same facility, I don’t think that is justification. I want to make sure, on the record in case I won’t mismatch the numbers here, that I am asking for \$100,000 to come out of miscellaneous and any day over ninety days apply that to it lowering the road maintenance fee. I will be looking for a truck – see that we can find a used one and not pay \$100,000 for one.”

Councilman Hudson: “I see the road maintenance fee as something that everybody that is using the road that owns vehicles, they are paying for the roads. I also see that it holds back on property taxes. My problem is I think we have a lot of people with out-of-state tags in this county. I would like to do something about asking the sheriff that we start enforcing or taking note of people with Georgia tags or other state tags living in this county and start writing warning tickets. You ride through the county and you see vehicles parked day after day with out-of-state tags. If everybody paid, then our taxes should go down.”

Councilman Kitchens: “I have heard too there are a lot of people living in Edgefield County that have a North Augusta address that buy a car and somehow it ends up being registered in Aiken County. That is something we need to look at too. I don’t know how we can control or police that.”

Motion was made by Councilman Bright, seconded by Councilman Hudson, to approve first reading of Ordinance No. 04-05-558. Motion carried.

## **EDGEFIELD COUNTY COUNCIL**

### **Minutes April 5, 2005**

Motion was made by Councilman Bright, seconded by Councilman Kitchens, to approve first reading of Ordinance No. 04-05-559, "An Ordinance Establishing New Charges for the Issuance of Construction Permits, Based on Square Footage Considerations." Motion carried unanimously. The present square footage charge of \$45.00 was established in 1987. State law, per Howard Gibson, Building & Planning Official, states that you can only recover the amount your department is spending toward enforcing the codes, and the people that are getting the service pay that. This ordinance is only adjusting the fee from \$45.00 to \$55.00. Surrounding areas have gone to the sixties and seventies.

#### **Resolutions**

The Administrator explained Resolution No. 04-05-278, "A Resolution Making Available, on a Full Reimbursement Basis, Limited Road Maintenance Services or those Roads within Edgefield County Not Publicly-Owned or Maintained."

Mr. Adams stated "There are a number of roads in the county that do not meet county standards for road acceptance and probably could not meet those standards in many instances where utilities, for instance, are buried in the middle of the roadway or where there isn't sufficient right-of-way. We often get requests to maintain these roads because of school buses. An example of this is the request we have received from the School District concerning Fox Terrace off Highway 25 south near the old Menardi Creswell building. That road has some serious issues, one of which is that the utilities are buried in the roadway and if we try to scrape it we will have a potential problem of disrupting the utility service. There are some things the property owners in that area can help us do as far as bringing in some sand clay, gravel and having a spread-path that could make the road more passable for school buses and such. This resolution would require them to pay the cost for those materials and the time and the use of county equipment.

Mr. Kneece said Fox Terrace has been an on-going situation for several years and we definitely should do something to this road. If we do not keep the road open the school children will have to walk out to the road because the school bus will not continue to go in there. All of the mail boxes are on the road because the post office will not deliver the mail in there.

Mr. Bright said he has been receiving calls for many years (1985) about the road. It has been a problem and will continue to be a problem until we can find a solution. One of the largest problems is that building (old Felt Plant building).

Howard Gibson agreed with Mr. Bright. It you have been on that road within the last few months it is a whole different community. Howard stated that he had talked with Marion Traxler with the school system (over the buses) and Mr. Traxler said there are seventeen children in Fox Terrace. Periodically he follows buses on the routes and the other day he

## **EDGEFIELD COUNTY COUNCIL**

### **Minutes**

**April 5, 2005**

followed a bus and there is no way for buses to miss the pot holes. He actually saw a child bounce out of the seat of the bus. There is the danger for the children on the bus and there is the possibility of damaging the bus. They will be forced to start picking the children up on Highway 25. Mr. Gibson indicated that all Mr. Traxler wants is to spread some gravel and not do any cutting because of dealing with the utilities. I have an engineering firm that will look at the road if council wants to pursue it, but Mr. Gibson does not want to spend any money on the road until everyone is in agreement to spend it. Mr. Kneece mentioned about diverting the water from the plant that is there.

Councilman Hudson stated that "As far as the resolution is concerned, it is stating that the county will allow the public to request the use of our equipment and pay the county for the maintenance. I have no problem with that."

Mr. Adams: "Maybe there is someone who really does not want to turn the road over to the county but would pay to have it maintained but it is hard to find the services. Now, the school district's letter that Mr. Gibson talks about raises another issue. There are several attorney generals opinions on local governments doing work to improve private property. For the most part they say that in order for that to take place there has to be a public purpose. The definition of public purpose is left to the local governing body. Of course that can be challenged but certainly school bus passage and EMS and fire truck accessibility are all public purposes. It depends on how council wants to define that and whether it wants to take on the expense of improving Fox Terrace to some state of where it is passable.

Motion was made by Councilman Bright, seconded by Councilman Dorn, to approve Resolution No. 04-05-278. Motion carried unanimously.

Resolution No. 04-05-279, "A Resolution to Provide Certain Emergency Medical Services to Qualified Emergency Services Volunteers of Edgefield County without Direct Patient Charges" was explained by the Administrator. "This is about the emergency service volunteers who are sometimes called first responders; of course this would include fire fighters and reserve deputies. This resolution is aimed at those people who provide volunteer response services in the county. It states that they do not have to pay the difference between what insurance pays and the full charge, in return for the fact that they themselves respond to emergencies free of charge. If they are injured in providing services, they are covered by workers compensation. But this came to my attention when the former fire chief of County Line Fire Department, who is also a first responder, had an accident on an ATV (All Terrain Vehicles) and he got the bill and noticed his insurance company paid a certain amount and he raised the question that for emergency responders why couldn't we waive that. After all, these people get up at 3:00 in the morning to respond to someone's emergency and don't get paid anything. It is

## **EDGEFIELD COUNTY COUNCIL**

### **Minutes April 5, 2005**

more or less a gesture; I doubt we would have more than a couple of these calls at any given time in a year. Our maximum exposure on each one would be \$1,500.00 per incident. They are required to file their insurance, if they have insurance. If they don't, then we waive the entire amount.

Motion was made by Councilman Hudson, seconded by Councilman Kitchens, to approve Resolution No. 04-05-279. Motion carried unanimously.

#### **New Business**

##### **Re-location of county offices costs**

Howard Gibson gave an update report on the re-location of county offices (Probate Court, Magistrate, Administration, Building & Planning). "Mr. Adams asked me to get this together – he wanted it a month ago but I could not do it until everything was completed. So, it was done yesterday afternoon (a breakdown of the costs was given to each council member). When the council approved all of the moves there was \$75,000 that had been allocated in the last budget to remodel the administration building. Then the decision of re-locating county offices was made. Many of the renovations that were to be done to the administration building did not have to be done for the magistrate (now in the building formerly occupied by the administrator) mainly because of the redesigning of the building. Most of the offices had sheet rock put up and finished; hallways were painted because there wasn't enough money to put sheet rock all the way through; new ceiling tile was put in because it was falling; there was over a six inch drop at the back that was corrected by putting new beams under the building. New windows were put in.

On the probate office there wasn't really anything allocated for it because we did not foresee anything that would have to be done, but we were not aware that all of the cabinets were bolted to the wall so when the move took place there were big holes in the walls. That had to be corrected.

The administration building (formerly probate office) was painted; three new walls installed; door frames, new carpet installed in the entrance and one new office; new furnishings required because of the new location and the additional offices. Some of the furnishings the administration had in the old building were falling apart.

Moving costs included overtime for road crew, rental of truck for moving of approximately \$2,300. We did move in the late afternoons and on the weekend to keep the disruption down as much as possible. There were some miscellaneous incidentals such as trim painting and a little brick work to the magistrate's office.

The construction of a new office for the Clerk of Court was added to this. This freed up other space in the Clerk's office to be used for storage which she feels will take care of

## EDGEFIELD COUNTY COUNCIL

### Minutes April 5, 2005

the space needed for at least the next five years.

The Building Department move, which had nothing to do with the other moves other than after-the-fact for the Board of Registration because they needed more space, we spent \$1,200 on some counters that we had to have to block off the public and give us space for files, materials, and plans, etc. The total for all of the moves was \$74,057.22. Councilman Dorn asked why \$943 under budget was not used for something. Mr. Gibson said \$600.00 is left for a few incidentals – everything is complete. The Chairman thanked Howard for the work he had done on this project over the work he was supposed to do and still come in under budget. Howard said every office involved had been very cooperative which made things much easier for him. Councilman Kitchens asked about the security at the magistrate's office and Howard stated it is included in these figures. The security has already been installed. That would have been an extra \$7,500 to install security for the magistrate in their previous office.

The Administrator added there was some media interest in this three way move back when it was being discussed and because of that we have put this information (breakdown of costs) on the county's website on the main page so citizens can see what the money was spent for.

#### **Cost Overrun/Detention Center**

Howard Gibson also spoke on the cost overrun for the detention center. There were several things that happened during the time that weren't foreseeable and really all happened too late to drop anything off because it had been started.

One was roll-up doors. We were planning to use residential roll-up doors but the Fire Marshall said no because we have to leave the back open to drive a fire truck into the back of the building. This was something that had not been mentioned even with the prior inspection by the Fire Marshall. And also the Sheriff realized he needed two doors and that was an additional cost because we had to go with commercial rated doors and \$3,774.00 is actually the cost of one door and the other was included. That was something that we had no choice but to do. We had to go larger for a fire vehicle to get to the back of the detention center.

On the HVAC Breath – breathalyzer room. No one realized that the unit would not keep the room at the required temperature and so we ended up putting in a self-contained (ductless) unit, but it does have an outside condensing unit to take care of that. SLED said we had to have that taken care of. (\$2,900.00)

Sink-Lexan-Cabinets. There were additional cabinets needed that we were not aware of. The Lexan the sheriff wanted for security reasons in the booking area. The Department of Corrections required the sink and that was another thing that came about after-the-fact.

## **EDGEFIELD COUNTY COUNCIL**

### **Minutes April 5, 2005**

That was a charge of \$4,524.00.

Food Cart/trays & heat bulb. That was a necessity. (\$1,132.00) Special foot trays are needed and the heat bulb went out so it had to be replaced.

Visitation Door. This is in the visitation room and mostly for security purposes. (\$241.00)

Fire-Alarm Addition. After we were moving the prisoners back in, the state Fire Marshall came along and said we want more detectors. They had already viewed the plans and said everything was o.k. but then they said more detectors were needed. (\$1,385.00)

Sally Port Adjustment. That is where the sally port was ordered and it actually had to be cut down because we went by the original plans (previous architect) and found out we were on Calliham property. (\$3,630.00)

Change in Visitation. This was one of two things. Either it was written down wrong or the wrong item was sent. It wasn't tall enough so they had to come back in and block in above it for security purposes and fire code. (\$650.00)

Shut Down for HVAC units. We had shut down systems on them according to what the regular building code is but the state Fire Marshall and detention centers are different. (\$1,128.00)

Access Doors-Ceiling. This goes along with the shut-down system for the heating/air conditioning systems. There are smoke detectors and heat sensors with the system and if there is any build up of heat or smoke everything shuts down. Ventilators shut down to keep the fire from spreading. (\$742.00)

Storage Containers. When we originally did this, Mr. Adams, Mr. Kitchens and the Sheriff were there, it was intended to not have the prisoners there, only the trustees. The workers were to have full run of the detention center. What ended with this was that all of the things were ordered and when they came in we had no place to put them. So we had to get storage containers to house materials. (\$600.00)

Dump Charges. Tri-County charged for roof and metal disposal. (\$3,731.00)

Doors / Cells. The doors to the cells were to come from Orangeburg County. I set up on two different occasions to send a truck for them and they kept changing their mind and in fact it ended up we could not get them. Something that was promised to us and it just didn't happen. We had to re-work the doors that were there to meet the code. The bottom and the top of the doors had to have holes cut to be accessible in putting on shackles around the ankles and to put the handcuffs on, and flaps on the doors so they could be

## **EDGEFIELD COUNTY COUNCIL**

### **Minutes April 5, 2005**

closed with magnetic holds on them. All of these things were already built into the doors we were to have gotten from Orangeburg but had no control over not obtaining them. (\$8,100.00)

AC Unit. This originally was going to be a walk-in cooler unit. Then we realized that was not the best way. We actually have a building or coolers there and this is an AC unit only. The \$500.00 is an estimated cost only – believe it will be more like \$250.00.

Labor. The request was for more than this from Edgefield Construction - \$17,791.00. This cost was due to the additional labor they had to have because of the prisoners being in the detention center, and it did cause the work to be delayed about twelve to fourteen weeks. I do not feel this was our full responsibility even though I agree they could not go but with one little section at the time. They had to pay people extra to come back. Prisoners had to be moved into cells that were not complete and then have to re-work. I think \$12,000.00 is a very legitimate figure. That is from all of the invoices for six weeks instead of the eight weeks they requested. (\$12,000.00)

Councilman Hudson asked did they not know what they were bidding on when they bided for the job? Howard: “What they bided on the job and accepted the price was with the prisoners gone.” The sheriff stated there were also some management problems.

#### **National Fire Safety Council**

The \$750.00 contribution requested by National Fire Safety Council is an FY 2004-05 budgeted item. No vote had to be taken.

#### **Lease Agreement**

The new lease between Mt. Canaan Association, a/k/a Mt. Canaan Baptist Association and Edgefield County contains the extension of twenty years with a twenty year option. The new Lease Agreement terminates the original Lease/Agreement of twenty five acres dated June 2, 1992, and terminating March 31, 2017. The Lease contains an additional 12.70 acres to be used for countywide recreation. Motion was made by Councilman Bright, seconded by Councilman Dorn, to accept the new Lease between Mt. Canaan Association, a/k/a Mt. Canaan Baptist Association and Edgefield County. Motion carried unanimously.

#### **Long Leaf Drive**

Howard Gibson spoke on this agenda item. He stated this was brought before Council around August or September of 2004. At that time Council agreed that if the “C” Fund Committee would commit funds to it they would accept it into the county maintenance system. The “C” Fund Committee has allocated funds for Long Leaf and we would like to make it where we can keep it on our regular maintenance schedule so that it does not



**EDGEFIELD COUNTY COUNCIL**  
**Minutes**  
**April 5, 2005**

get back in the same condition it was previously. All of the right-of-ways are there. Motion was made by Chairman Kneece, seconded by Councilman Dorn, to accept Long Leaf Drive into the county maintenance system. Motion carried.

Chairman Kneece updated Council concerning a previous item brought before Council a couple of months earlier; that being county property at the old stockade on Highway 25 north. An agreement has been reached that the church will accept the two acres previously discussed (behind the old chain gang camp), the price being \$2,500 for the two acres. Motion was made by Councilman Kneece, seconded by Councilman Dorn, to sell two acres of land at the old chain gang camp for \$2,500 to Pleasant Grove Church. Motion carried unanimously. Payment will be worked out.

**Guests**

Johnny Anderson (Plane Fun) was present. He stated he had not heard anything from the attorneys, except from his attorney giving a few dates that he could meet with the group. After a general consensus of both parties that maybe this could be settled without attorneys, let's review the 02-03-433 Ordinance that only received two readings and a public hearing, the Chairman asked the Administrator about what could be done.

Mr. Adams stated that they are within their rights to meet and talk about it if both sides determine they do not need further legal counsel, or if legal counsel gets here to represent their clients. Also, council has the power to enact ordinances that are legally defensible in any case. And this is an ordinance. One of the problems with the lease was that it was never read as an ordinance and there was never a public hearing.

Linda Anderson: "We have documentation on all of that. After all of the meetings and it was approved by County Council (the original lease), Martha Rich who was acting administrator at that time, came back to Johnny and said, "Oh, we have to do one more step. There was an airport commission at that time who had the authority to lease, sell or whatever, the airport. Johnny had to go back to that group (three members at that time). One of the three was a party of the other lease who refused to sign. Two others signed. So, as far as we were concerned it was legal."

Mr. Adams: "Well, there were some other problems with that. It had no deficiency in the length of the term. It essentially gave a forty year term and by statute counties cannot lease airports. There is a statute that pertains to airports and the leasing of airports which limits the number of years you can lease those properties."

Linda: "In our minds it is not forty years – twenty years with an option. If everybody agrees and everything is doing fine, then you have the option. You can make the decision to do it for twenty more. An option is not an agreement."

**EDGEFIELD COUNTY COUNCIL**  
**Minutes**  
**April 5, 2005**

(Mr. Adams said he did not recall the number of years, may be less than twenty.) That is what was originally sent to us. The taxes, according to the original lease, that during the first twenty years, there would be no taxes paid on those buildings. We would be over the buildings and we would maintain the entire airport and, it did not specifically say, but in our minds and in the minds of the council waiving of the taxes was to allow us to do that, to take over the county's responsibility for the maintenance and the running of the airport."

Johnny: "It did state that we would turn the buildings we built over to the county after twenty years."

Mr. Adams: "The problem is there is no statute authority to give an exemption for property tax of this kind. It just does not exist." Linda wanted to know what is happening with the other lease people – they are not paying taxes. "Mr. Adams said he believes we own that one or they are paying taxes on it. We checked that out."

Mr. Adams: "Another issue here about that particular hangar (one acre) was who gets it after 2008 when that current lease expires." Linda said "There isn't anything in there about that – that would be up to the county. She said the lease they agreed to expressly exempts that hangar and that one acre. It does not say anything about it being under Plane Fun and in their original lease there was nothing that says what will take place with that hangar. It does not say it will be turned over to the county or what will happen." Mr. Adams stated they are under a definite understanding that it would revert to Plane Fun after 2008." Linda: "There is nothing in the lease that says that – never has been." Mr. Adams said the last thing the county was trying to get done was to get that defined: what is the one acre?" The whole thing is, replied Linda, our lease exempts that one acre and that hangar, so there is nothing in there for us but yet we keep coming back to that one issue. If it is that simple, the simplicity will reveal itself in a meeting, stated Mr. Adams. It just has not been that simple so far.

Councilman Kitchens said this is one of the problems. We need to get together and work out what we should do and what has been done in the past because after two years I have forgotten the most of it. I personally don't know where we stand at this point.

The Chairman suggested setting a date to have a meeting: Plane Fun, County Council, and if Plane Fun wants their attorney and the county's attorneys can advise us. Mr. Byrd, the County Attorney has recused himself from this situation. Both parties were in agreement to not have the attorneys. There is a budget work session scheduled for Tuesday, April 19<sup>th</sup> at 6:00 and the consensus of both parties was to meet after the work session at 7:30 P.M. in the county council chambers.

**EDGEFIELD COUNTY COUNCIL**  
**Minutes**  
**April 5, 2005**

**No executive session.**

**Claims approved as follows:**

A.	PAYROLL	2/28/05 thru 3/10/05	
	Regular.....		\$165,978.63
B.	PAYROLL	3/14/05 thru 3/27/05	
	Regular.....		\$164,455.30
	<b>General Operating.....</b>		<b>\$503,803.49</b>

There being no further business or guests wishing to speak, Councilman Dorn made the motion to adjourn. Motion carried unanimously.

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C. Monroe Kneece, Chairman

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Willie C. Bright, Vice Chairman

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Norman Dorn, Councilman

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Joel D. Hudson, Councilman

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B. Everette Kitchens, Council

ATTEST

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Barbara R. Stark, Clerk to Council

